

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

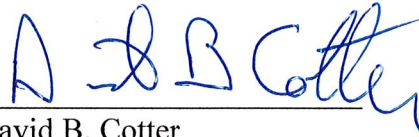
MICHAEL MESKO,

Docket No. 21-CR-194

Defendant.

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**SENTENCING MEMORANDUM**



David B. Cotter  
Attorney for Defendant Michael Mesko  
380 Cleveland Drive  
Buffalo, NY 14215  
Telephone: (716) 634-7920  
[dbacotter@aol.com](mailto:dbacotter@aol.com)

Paul E. Bonanno, Esq., AUSA  
United States Attorney's Office  
138 Delaware Avenue  
Buffalo, NY 14202  
(716) 843-5873  
[Paul.bonanno@usdoj.gov](mailto:Paul.bonanno@usdoj.gov)

Sentencing in this matter is scheduled for May 19, 2022 at 11:00 a.m.

This Memorandum seeks for the Court to impose a sentence that is sufficient, but not greater than necessary, to comply with the purposes of sentencing set forth in 18 USC §3553(a)(2).

At the time of sentencing, Mr. Mesko will appear before the Court as a 52 year old male with no prior criminal conduct.

For over a half century he did all the things society desires of productive citizens. He obtained an education, he cared for others, he married and raised a family, and was involved in the various communities in which he lived.

The Court is aware that defense counsel was recently substituted due to a non-waivable conflict of interest that developed with prior counsel. In taking over the case, current counsel was advised by Jeffrey Bagley that for the first several months of this criminal proceeding, Mr. Mesko was convinced that he had done nothing wrong. However, over the course of the last year or so Mr. Mesko accepts and realizes his conduct was not only illegal but abhorrent.

Because of Mr. Mesko's medical conditions, and his several decade long career in nursing, he may best be fit to serve his sentence at a Bureau of Prisons Medical Facility, such as FMC Lexington in Lexington Kentucky.

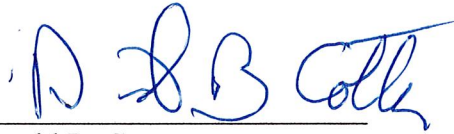
But for one factor, this Court, pursuant to USSG §5k2.20 this Court could depart downward under the aberrant behavior division in the guidelines.

As this Court may be aware, there are currently State charges pending in Niagara County which will be concluded after the Federal prosecution reaches an end. Although counsel understands the rule of separate sovereignty and the Bureau of Prisons'

interpretation of concurrent or consecutive State and Federal sentences, the defense specifically and respectfully requests that this Court indicate that its sentence is to be served concurrently with any other sentence imposed or to be imposed.

Lastly, the defense respectfully asserts that the mandatory minimum sentence of 120 months is sufficient, but not greater than necessary to comply with the purposes of sentencing.

Dated: April 14, 2022  
Buffalo, New York

A handwritten signature in blue ink, appearing to read 'D B Cotter', written over a horizontal line.

David B. Cotter  
Attorney for Defendant Michael Mesko  
380 Cleveland Drive  
Buffalo, NY 14215  
Telephone: (716) 634-7920  
[dbacotter@aol.com](mailto:dbacotter@aol.com)

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**CERTIFICATE OF SERVICE**

vs.

Docket No. 21-CR-194

MICHAEL MESKO,

Defendant.

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David B. Cotter, affirms that the within Sentencing Memorandum was filed with the Clerk of the United States District Court for the Western District of New York on April 14, 2022 for electronic filing on

Paul E. Bonanno, Esq., the AUSA;  
Matthew G. Zenger, the U.S. Probation Officer, and  
Michael Mesko by regular mail

Dated: April 14, 2022



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David B. Cotter